

1 _____ BILL NO. _____

2 INTRODUCED BY _____
 3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE TERM OF CERTAIN CONSERVATION
 5 EASEMENTS ESTABLISHED USING STATE FUNDS; DEFINING "STATE FUNDS"; AMENDING SECTION
 6 76-6-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
 10 **Section 1.** Section 76-6-202, MCA, is amended to read:

11 **"76-6-202. Duration of conservation easements.** ~~Conservation~~ (1) Except as provided in subsection
 12 (2), conservation easements may be granted either in perpetuity or for a term of years. If granted for a term of
 13 years, that term may not be less than 15 years. An easement granted for a term of years may be renewed for a
 14 term of 15 or more years ~~upon~~ on the execution of a new granting instrument by the parties.

15 (2) (a) If the establishment of a conservation easement includes state funds, the term of the
 16 easement may not exceed 40 years. The limits of this subsection (2)(a) do not apply to conservation easements
 17 that:

18 (i) are less than 1,500 acres;

19 (ii) are acquired using forest legacy program funds granted by the United States forest service;

20 (iii) include area described as core habitat as defined by the United States fish and wildlife service;

21 or

22 (iv) are granted pursuant to Title 87, chapter 5, part 9.

23 (b) Easements subject to term limits under subsection (2)(a) may be renewed for a term of up to
 24 40 years on the execution of a new granting instrument by the parties.

25 (c) For the purposes of subsection (2)(a), the term "state funds" includes federal funds transferred
 26 to the state."

27
 28 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

4 - END -